

Remarks

Reconsideration of this Application is respectfully requested. Claims 68, 73, 75 and 81 are currently amended and no new matter has been added. Claims 68, 73, 74, 76, 77 and 82 are currently pending.

The Applicants thank the Examiner for the courtesy given for a telephone interview with the Applicant's representative on June 16, 2004. Although the Examiner has alleged that the specification contains no patentable subject matter, the Applicants respectfully disagree. The Applicants submit this Preliminary Amendment which distinguishes the claimed invention from the cited prior art.

Rejections Under 35 U.S.C. §103(a)

The Office Action rejected claims 68, 73, 74, 76, 77, and 82 under 35 U.S.C. §103(a) as being allegedly unpatentable over Turley et al. U.S. Patent No. 5,831,198 ("Turley") in view of Ronzani et al. U.S. Patent No. 5,844,656 ("Ronzani"). The Applicants respectfully traverse the rejection.

Claims 68, 73, 74, 76, and 77 recite, *inter alia*, a system that includes a data acquisition device adapted to communicate with the computer, wherein said data acquisition device is connected to the device to collect Property Data. Claim 82 recites, *inter alia*, an apparatus that includes a data collection instrument in communication with a computer, wherein the data acquisition device connects to the device to collect Property Data describing at least one property of the device for testing and diagnosing the condition of the device.

The Office Action asserts that Turley suggests the laser range finder/digital compass assembly ("LRF/DCA", 530, Turley, col. 5, lines 14-15) is equivalent to a data acquisition device

connected to device to collect Property Data from a device as claimed by claims 68, 73, 74, 76, and 77 and the data acquisition device as recited by claim 81. The Applicant respectfully disagrees.

In the present case, claims 68, 73, 74, 76, 77, and 82 recite a data collection instrument collecting Property Data on a device. Turley merely discloses a laser range finder/digital compass assembly ("LRF/DCA"), which is a Fibertek mini-laser range finder and Leica digital compass assembly (see Turley, col. 5, lines 21-22). Presumably, the LRF/DCA permits a soldier to determine distance to a target and/or direction while in the field. Thus, the only information collected by the LRF/DCA is distance to a target and directional information with respect to the soldier. Clearly, the LRF/DCA is not connected to a device as positively recited by the claims 68, 73, 74, 76, 77, and 82. As such, the LRF/DCA cannot collect Property Data on a device for onsite testing and diagnosing as recited by claims 68, 73, 74, 76, 77, and 82. Instead, the LRF/DCA can only collect distance to a target, which is largely irrelevant for onsite testing and diagnosing of a device. The LRF/DCA cannot be, or equivalent to, a data acquisition device for collecting Property Data on a device as recited by claims 68, 73, 74, 76, 77, and 82.

In addition, claims 68, 73, 74, 76, 77, and 82 recite, *inter alia*, that the data acquisition device is connected to the device. Turley fails to disclose any connection between the LRF/DCA and a device for the collection of Property Data. In fact, none of the references cited by the Examiner in the long prosecution history of this application fails to disclose a data acquisition device connected to the device for collecting Property Data. Accordingly, Turley does not disclose, teach or suggest the claimed invention of 68, 73, 74, 76, 77, and 82.

Moreover, the Office Action has alleged that the range finder/digital compass includes positive and negative test leads (Office Action, para. 2). The Applicants respectfully disagree. In fact, Turley does not contain the terms “probe,” “test leads” or “leads” within the specification.

An image of a Leica digital compass assembly is attached to this Reply as Exhibit A. From the Exhibit A, it is clear that the Leica digital compass assembly includes four leads. However, it cannot be ascertained with a degree of certainty that the two of the leads are positive and negative leads of an electric probe. It is clear from Exhibit A that the Leica digital compass assembly is NOT an electric probe.

Accordingly, Turley cannot teach or suggest an electrical probe, much less an electrical probe with positive and negative test leads. Thus, Turley fails to disclose or suggest this element of the invention of claims 73 and 74. If the Examiner wishes to maintain the assertion that the Fibertek laser range finder and Leica digital compass assembly are an electrical probe with a positive and negative leads, the Applicants respectfully request that the Examiner produce the schematics of the Fibertek laser range finder and Leica digital compass assembly to show that the LRF/DCA is an electrical probe.

Ronzani fails to correct the deficiency of include a data collection instrument for collecting Property Data of the device. Instead, Ronzani suggests a head mounted display in a voice activated computer system (Ronzani, col. 2, lines 22-23). As such, Ronzani fails to teach or suggest a data collection instrument for collecting Property Data of the device. In fact, Ronzani also fails to mention the terms of “probe,” “test leads” or “leads” within the specification. Accordingly, Ronzani fails to teach or suggest the invention as recited by claims 68, 73, 74, 76, 77 and 82.

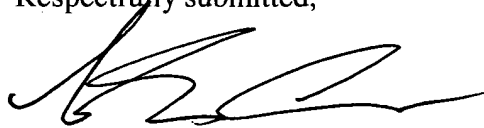
Since Turley and Ronzani each fails to suggest the invention as recited by claims 68, 73, 74, 76, 77 and 82, the combination of Turley and Ronzani also fails to teach each and every claim element of the claimed invention. Thus, the invention as recited by claims 68, 73, 74, 76, 77 and 82 is patentable over the cited prior art.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,



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EXHIBIT A

THE WEBSITE FOR DEFENCE INDUSTRIES - ARMY

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The LEICA Digital Magnetic Compass (DMC) measures azimuth, elevation and bank.

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